



CITY of BEVERLY
LICENSE BOARD
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Mayor

Michael P. Cahill

Chairman

Richard S. Kelley, Esq.

Board Members

John Roccio

Joseph Trainor

Clerk

Martha A. Lewis

LICENSE BOARD MINUTES – MAY 8, 2014

The meeting of the Beverly License Board was called to order on Thursday, May 8, 2014 in the City Council Chambers at 6:35 pm.

In attendance at the meeting were: Board Members Richard Kelley, John Roccio, Police Liaison Sgt. William Page and Clerk, Martha Lewis. Absent: Board Member Joseph Trainor

Meeting was called to order at 6:35 pm by Chairman Kelley. Chairman Kelley announced that with the absence of Mr. Trainor, any vote taken must be unanimous to be approved (2 – 0).

1. Approval of the Minutes – Minutes of the meeting for April 3, 2014 were reviewed. Mr. Roccio made a motion to accept minutes as submitted. Mr. Kelley seconded the motion. Motion passed 2 – 0.
2. Application to convert from Seasonal to Annual All Alcoholic License – Toscana Express LLC. dba Toscana Express, Angelo Perinna, Manager.

Representing the applicant was Atty. Thomas Alexander. He introduced the applicant, Lucio Perrina and Angelo Perrina. He stated that the applicant was granted a Seasonal All Alcoholic Beverage license at the location in August 2013; they took over a building that was in rough shape; construction has now begun on rehabbing the space which is 1200 sq. ft and will seat approximately 60 people. This is a family operation. They run a successful restaurant in Peabody.

Chairman Kelley inquired as to the reason the seasonal license has not yet been utilized and why construction had just recently started.

Atty. Alexander explained that the area is a mess. There has been a lot of building and that construction has affected the roadways.

Chairman Kelley agreed about the amount of construction going on, but asked how that construction was directly tied to the licensed premises? He also asked how long the restaurant had been closed prior to the new entity taking over.

Mr. Angelo Perinna replied that the prior restaurant had been closed and was in bankruptcy for two years.

Chairman Kelley responded that he did not have a problem with ownership, the Perinna's run a good restaurant in Peabody, but he is concerned that they did receive approval for a seasonal license and did not act on the license. The License Board has to determine if the license is in the public interest. The Board is considering application before them because it is required that the applicant be heard. But, the applicant has not been proactive in using the seasonal license that was approved last August.

Atty. Alexander explained that the seasonal license cannot serve from January to April 1. Chairman Kelley countered that construction has not yet even started. Mr. Perrina believes it will take 2 ½ months for construction.

Mr. Roccio asked if the Board was seeking further clarification from the Mayor's Office as to the availability of the license that was turned into the City.

The annual all alcohol license became available because the former licensee (Sports Page Pub, Raymond Howell, Manager) failed to fulfill the requirements necessary to renew the annual license.

Chairman Kelley explained that although a procedure to notify the public that a license was available had been discussed, it has not yet drafted or approved. He further stated that the "first come/first serve" method that has occurred in the past when a license became available, does not seem fair and/or may not necessarily be in the public interest. However, because no regulations have been put in place as to the license distribution process, the "first come, first serve" is how the City of Beverly has operated in the past; and is also the process that occurs in other surrounding communities. The issue at hand is to determine if the application before the Board today is in the best interest of the public.

Mr. Roccio asked if the Board was obligated to accept the application filing? Chairman Kelley responded that any interested party has the right to file an application and have action taken on the application within 30 days of being filed.

Atty. Alexander stated that he had discussed the issue with Ralph Sacramone from the ABCC and City Solicitor Stephanie Williams. He claimed that all were in agreement that the Board must have a procedure in place and the Board was obligated to hear the application.

Chairman Kelley responded that is not part of the Board's consideration. The Board needs to determine if the application before us is in the public interest. He further stated that he is very concerned that there has been no action on the part of the applicant to utilize the seasonal license approved last year.

Atty. Alexander commented that it takes a number of months to gut and rehab a building. The location should be open in August which is within one year of the license initially being issued.

Chairman Kelley remarked that the application and the permit were filed almost simultaneously. Atty. Alexander answered that it takes time to get things in order and to hire the architects and contractors.

Chairman Kelley asked if there was anyone from the public present who wished to speak?

Paul Fitzgerald, a resident of Gateway Condominiums spoke. He asked if anything had changed since the seasonal application had been heard. Specifically any plans to utilize the deck or outside space?

Atty. Alexander responded that there is no current plans for the outside and no intent for an entertainment license.

Rick Marciano, 141 McKay Street. He noted that he lived in the neighborhood for years. There was no problem with the former owner. He is in support. The new owner has put on a new roof and cleaned up the lot.

Chairman Kelley asked when the noted roof work took place – was it recent? Mr. Perrina reported that the work was done prior to May 1st.

Leslie Woodrow, 95 Rantoul Street reported her concern for the parking. She questioned whether there was a plan to accommodate residential parking.

Chairman Kelley understood her concern but explained that parking was a zoning issue not the concern of the license board.

Atty. Alexander reported that the applicant has reached a tentative agreement with the MBTA to utilize parking in the garage on weekends and in the evenings which should alleviate any parking concerns.

Chris Ciampa of 23 Bow Street spoke in support. He has known Angelo Perrina for many years while attending Endicott College together. He saw how the family built up the Toscana's business in Peabody. The residents would be lucky to have the business in Beverly.

J.B. Wells a coach at Endicott College came to support the Perrina family. This is a successful, family-run business, the family was good to Endicott College. Angelo Perrina has an outstanding character and a leader.

Chairman Kelley asked for input from the Police Department. Sgt. Page had no concerns or further input.

Hearing no further comments from the public, Chairman Kelley and Mr. Roccio discussed the application at hand. Mr. Roccio stated that he was in favor of the application. It was appropriate to convert from a seasonal to an annual license. He didn't feel that the delay in construction should impede his decision. As for the distribution of the available license, he believed the applicant was lucky. He listened to all the people in the public or spoke in support of the application.

Chairman Kelley agreed with Mr. Roccio's summation.

Mr. Roccio made a motion to approve application from Toscana Express LLC dba Toscana Express, 90 Rantoul Street to convert the seasonal all alcoholic beverage license to an annual alcoholic beverage license. Chairman Kelley seconded the motion. The motion passed 2 – 0.

Chairman Kelley noted that the preferred process would have been to make it known to the public that an annual all alcoholic beverage license was available and had the opportunity to weigh in on applications received from all interested parties. He is hopeful that a formal procedure for the distribution of available licenses will be put in place in the near future.

He also reminded Mr. Perrina that he had a strict liability when it comes to the distribution of alcohol to the public. Mr. Perrina is responsible for his staff and the actions of his staff. He stressed the importance that all servers/staff be TIPS certified. He wished Mr. Perrina luck.

3. Application to convert from Seasonal to Annual All Alcoholic License – Wicked Art Bar LLC dba Wicked Art Bar, Alexandra Terista, Manager.

The annual, site specific, beer and wine license became available as a result of a home rule petition.

The Board reviewed the application. Wicked Art Bar was issued a seasonal beer and wine license last August. The application before the Board would enable the licensee to serve 12 months per year. Ms. Terista presented the “green cards” notifying abutters to the Clerk.

Chairman Kelley read into record an email received from Mr. Leo Murphy. Mr. Murphy was not able to be present at the meeting but wished to state his objections to the annual license believing that there would be parking issues and a reduction of the residential value in the building. He shared his concern for those living in the building. (Editor’s note: a copy of email is attached.)

Chairman Kelley asked for other members of the public to speak.

Resident of 27 Fayette, identified as Peter stated he resides in the same building as the business. (Note: resident address is different from business address.) He was originally opposed when license first issued, however, he is now in total support. They have been great tenants, their clientele are wonderful, Wicked Art Bar’s presence is benefiting the building. He is very supportive of the annual license.

Peter Fitzgerald, a resident of the Gateway Condos, spoke in total support.

Ted Richard, owner of the condo and landlord, stated Wicked Art Bar is the anchor tenant. There is a great vibe having the business in the building, they were a shot in the arm to the artist community who occupy the building.

Rick Marciano, 141 McKay spoke in favor. He saw no problems and suggested the patrons could utilize the parking garage. He does not want to see a loss in the property values.

Chairman Kelley asked Sgt. Page if the police wished to comment. Sgt. Page reported that there were no police reports.

Hearing no further comments, Mr. Roccio made a motion to approve the application for an annual, site specific wine and malt beverage to Wicked Art Bar, LLC. Chairman Kelley seconded the motion. Motion approved 2 – 0.

Editor’s note: Green cards submitted to Clerk. Clerk reported CORI were okay.

4. Application for Change of Manager – Flour N Water Corp. dba Hale Street Tavern, Zorba Kinigstein, Manager

Atty. Jill Mann was present representing the applicant. Mr. Kinigstein was introduced as the proposed manager. The Board reviewed his personal information form and manager application.

Chairman Kelley noted that Mr. Kinigstein had a lengthy employment history and did hold a TIPS certification.

Atty. Mann submitted a letter from Penny Petronzio, current manager of record. Ms. Petronzio was expressing her support for Mr. Kinigstein's application.

Chairman Kelley then asked the Board if they had further questions. Mr. Roccio agreed that Mr. Kinigstein was qualified for this role.

Clerk reported that the CORI came back with no issues.

Having no further questions or comments, Mr. Roccio made a motion to approve the change of manager to Zorba Kinigstein. Mr. Kelley seconded. Motion passed 2 – 0.

5. One-Day Applications

Eight applications were received and reviewed. All were within the four-hour maximum time limit.

One of the applications from Endicott College was for a Senior/Graduation celebration in a parking lot located on campus. The Board requested the applicant to provide additional details of that function including a detailed diagram, fencing around the perimeter and i.d. procedures to be in place during the event. Application to be acted upon pending the response received from Endicott and final approval from the Police.*

Mr. Roccio made a motion to approve the 7 applications, excluding the Endicott application noted above. Chairman Kelley seconded the motion. Motion passed 2 – 0.

*Editor's note: Endicott provided requested information, however decided to withdraw application as the event was moved to another building due to the weather forecast and made the decision to not serve alcohol.

6. All Other Business:

Clerk distributed copy of letter from Atty. Thomas Alexander who will be filing the appropriate paperwork for an alteration of licensed premises on behalf of Gourmet Paradise of Beverly dba the Gourmet Garden. This was in response to the License Board's letter to the licensee dated April 11, 2014 requesting a timeline of when the restaurant would be open for business.

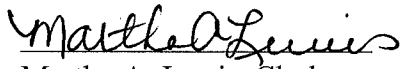
There was a discussion concerning the date of the June meeting due to the lack available meeting space at City Hall and the July meeting due the proximity of the holiday.

Next meeting is scheduled for Thursday, June 12, 2014 at 6:30 pm in City Council Chambers, Third Floor, City Hall, 191 Cabot Street.

The July meeting will be held on Thursday, July 10, 2014.

Hearing no further business, Mr. Roccio made a motion to adjourn the meeting. Chairman Kelley seconded the motion. Meeting adjourned at 7:35 pm.

Respectfully yours,


Martha A. Lewis, Clerk

Mayor Mike Cahill

From: leo murphy [lmurphy60@hotmail.com]
ent: Tuesday, April 29, 2014 5:06 PM
To: mlewis@beverlyma.gov
Cc: Lesli Woodruff
Subject: Wicked Art Bar Hearing

To: Richard Kelley

From: Leo Murphy

As I will not be in the city on the date of the hearing I thought I would pass along my thoughts. My wife and I are residents at 95 Rantoul St.. I attended the first hearing regarding the seasonal license and outlined why I was opposed to granting the seasonal license. In my presentation I mentioned that I was convinced that this license was not the end game for Wicked Art Bar and sure enough they soon returned requesting a entertainment license. Now here they are again. I am convinced that their ultimate goal is to acquire a full liquor license which has become the elephant in the room. They are moving forward on their goal. The reasons for my opposition is the same as before and pertain to protection for the Rantoul residents from both physical and financial harm, parking issues, etc. With every step you allow toward a full liquor establishment the Board is reducing the residential values in the building and the City's tax base. The Wicked Art Bar has appeared before your Committee on two previous occasions and were granted their requests. For the sake of the seniors, children and other residents who live in this building please draw a line in the sand on this issue and refuse their request. Thank you. Leo & Colleen Murphy

P.S. Thank you Martha for handling this matter.